

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-20076

VIRGIL SENIOR,

Defendant.

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**OPINION AND ORDER  
DECLINING TO MODIFY SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

The matter is before the court on a determination for a possible reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). The court appointed the Federal Defender's Office to determine eligibility, confer with the Probation Department and the U.S. Attorney's Office, and gather the pertinent information to assist the court in expeditiously resolving any pending or intended 18 U.S.C. § 3582(c) motions.

(March 13, 2012, Order, Dkt. # 463.)

The Federal Defender's Office, through attorney Jill L. Price, filed an appearance and, after a court order directing a statement regarding eligibility, presents a memorandum explaining that counsel "has been unable to find anything that would refute the Probation Department's . . . conclusion that Mr. Senior is not eligible for a reduction." (Dkt. # 474.)

The court has reviewed the motion, the Probation Department's analysis, and the Defendant's reaction thereto, and is satisfied that Defendant is ineligible for a sentence

reduction principally because his sentence was driven by the fact of his career-offender status, not the quantity of narcotics for which he was held responsible. Accordingly,

IT IS ORDERED that the court DECLINES to modify Defendant's sentence pursuant to 18 U.S.C. § 3582(c), and the matter is deemed closed.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 28, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 28, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522